IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD
(Special Original Jurisdiction)
WEDNESDAY, THE SIXTEENTH DAY OF JUNE
TWO THOUSAND AND FOUR
PRESENT
THE HON'BLE MR JUSTICE K.C. BHANU
WRIT PETITION NO : 9748 of 2004

Between:

K.N. Murthy, s/o Somayya,
R/o Quarter No.B. 2A, HPCL, CISF Complex,
Malkapuram, Visakhapatnam.

..... PETITIONER

AND

1 The Deputy Commandant, CISF Unit, HPCL-VR & BP, Vizag, Visakhapatnam District.
2 The Deputy Inspector General, CISF S/2, Head Quarters, "D" Block,
Rajaji Bhavan, Besant Nagar, Cheenai.

.....RESPONDENT(S)

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to issue a Writ, order or direction particularly one in the nature of Writ of Mandamus declaring the action of the 1st respondent in issuing proceedings No. E-38014/Adm-I/TUT/HPCL/2004/747 dt. 30-5-2004 transferring the petitioner to CISF Unit Visakhapatnam Port Trust (VPT) as illegal, improper, arbitrary, unreasonable and set aside the same so far as the petitioner is concerned and further direct the 1st respondent to retain the petitioner at HPCL CISF complex, Visakhapatnam

Counsel for the Petitioner: **MR.V.SREE RANGA RAO**

Counsel for the Respondents: **SMT. P.SARADA, SC for Central Government**

The Court Made the Following :

HONOURABLE SRI JUSTICE K.C.BHANU

WRIT PETITIN No.9748 of 2004

ORAL ORDER:

This writ petition is filed to quash the proceedings No.E-38014/Admn.I/TUT/HPCL/2004/747, dated 30.5.2004 transferring the petitioner to CISF Unit, Visakhapatnman Port Trust.

The contention of the learned counsel for the writ petitioner is that the petitioner is on the verge of retirement and therefore, he may be continued in the present work place i.e. H.P.C.L. CISF Complex, Malkapuram, Visakhapatnam.

The learned counsel appearing for the respondents opposed the same on the ground that the transfer is an incidence of service.

After receiving the transfer orders dated 30.5.2004, the writ petitioner filed a representation, dated 11.6.2004 before the 2nd respondent requesting him to keep the transfer order in abeyance atleast for a period of six months i.e. upto 31.12.2004 but no orders have been passed so far. The transfer is an incidence of service as rightly contended by the learned counsel for the respondents. The writ petitioner cannot have any legally enforceable right to question the transfer order unless it is vitiated by any *mala fides* or by way of punishment. Therefore, in my view, the transfer order, dated 30.5.2004 does not suffer

from any legal infirmities so as to call for interference by this Court.

For the aforementioned reasons, the writ petition is disposed of with a direction to the respondents to consider the representation of the writ petitioner made on 11.6.2004 in accordance with law. In the circumstances of the case, there shall be no order as to costs.

ASSISTANT REGISTRAR

16th June, 2004

//TRUE COPY//

SECTION OFFICER

To

1. The Deputy Commandant, CISF Unit, HPCL-VR & BP, Vizag,
   Visakhapatnam District
2. The Deputy Inspector General, CISF S/2, Head Quarters, "D"
   Block, Rajaji Bhavan, Besant Nagar, Cheenai.
3. Two C.D. Copies